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5 Attorney for Defendant  
6 MICHAEL TOMADA

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION  
10

11 UNITED STATES OF AMERICA,	)	CR-14-0285 JST
12 Plaintiff,	)	STIPULATION AND [PROPOSED] ORDER
13 vs.	)	VACATING STATUS CONFERENCE DATE
14 JEREMY DONAGAL, et al.,	)	AND SETTING NEW DATE FOR FURTHER
15 Defendants.	)	<u>STATUS CONFERENCE</u>
16	)	
17	)	

18 The United States of America, by its attorneys, Brian Stretch, Acting United  
19 States Attorney, and Assistant United States Attorney ("AUSA") Kevin Barry, and  
20 defendant MICHAEL TOMADA, by his attorney, Peter Goodman, hereby submit this  
21 Stipulation and [Proposed] Order requesting that the July 1, 2016, date currently set  
22 for the defendant to appear before this Court for a Status Conference be vacated and  
23 that the case be continued to July 15, 2016, at 9:30 a.m. in Oakland for a further Status  
24 Conference.

25 The parties hereby stipulate and agree to the following:

26 1. On May 22, 2014, an eleven count indictment was returned in this matter  
27 against seven defendants, including defendant TOMADA. Counts I and III respectively  
28 charge the defendant with conspiring to possess and possessing with the intent to

1 distribute alprazolam and other controlled substances in violation of 21 U.S.C. §§846  
2 and 841(a)(1).

3 2. AUSA Barry is currently in trial and will not be available on the date  
4 currently set for the Status Conference. Additionally, counsel for defendant TOMADA  
5 is going on vacation the week of July 4, 2016, and will not return to work until the week  
6 of July 11, 2016. The parties have been endeavoring to finalize the terms of a Plea  
7 Agreement but owing to the unavailability of counsel, will not be able to present a final  
8 agreement to the Court on July 1, 2016, as they anticipated. For these reasons, the  
9 parties request that the Status Conference in this matter be continued to July 15, 2016,  
10 at 9:30 a.m before this Court.

11 3. The parties further stipulate and agree that time be excluded under the  
12 Speedy Trial Act pursuant to 18 U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) from July  
13 1, 2016, to July 15, 2016, to assure continuity the continuity of counsel. The parties  
14 further stipulate and agree the exclusion of time agreed to herein is in the interests of  
15 justice and will serve to ensure effective assistance of counsel for defendant TOMADA.

16 SO STIPULATED

17 DATED: June 29, 2016

18 BRIAN STRETCH  
19 United States Attorney

20 By: /s/  
21 KEVIN BARRY  
22 Assistant United States Attorney

23 SO STIPULATED

24 DATED: June 29, 2016

25 /s/  
26 PETER GOODMAN  
27 Attorney for Defendant  
28 MICHAEL TOMADA

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ORDER VACATING STATUS CONFERENCE DATE AND  
SETTING NEW DATE FOR FURTHER STATUS CONFERENCE

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Based on the stipulation of the parties and good cause appearing therefor,

IT IS HEREBY ORDERED that the July 1, 2016, date currently set for defendant

TOMADA to appear before this Court for a Status Conference is vacated and the

matter is continued to July 15, 2016, at 9:30 a.m. for a further Status Conference.

IT IS FURTHER ORDERED that time be excluded under the Speedy Trial Act pursuant to 18 U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) from July 1, 2016, to July 15, 2016, in the interests of justice to ensure the continuity of counsel. The Court finds that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

DATED: June 30, 2016

